THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19743 OF 2007

DATED: 17-09-2007

BETWEEN

Chapalamadugu Vikram Simha,
S/o. late Chapalamadugu Venkata
Rangaiah, R/o. Nadakuduru Post,
Nimmagadda Gram Panchayat,
Krishna District.

...PETITIONER

AND

The Tahasildar,
Tahasil Office,
Challapalli,
Challapalli Mandal,
Krishna District
and another.

...PETITIONER

ORDER:

Petitioner submits that he is the absolute owner of the land admeasuring Ac.2.06 cents in R.S.No.15/2 of Nimmagadda Village, Chellapalli Mandal, Krishna District. While so, the first respondent issued a notice stating that the Nimmagadda village is declared as Indiramma Village to distribute house site pattas to the beneficiaries and as per the instructions of the District Collector, on inspection it is revealed that an extent of Ac.17.17 cents of land in R.S.No.15/2 is recorded as Government poramboke land and that the petitioner encroached an extent of Ac.1.50 cents and cultivating the same. Accordingly, the petitioner was informed to vacate the said land immediately otherwise action would be taken as per law.

2. Learned counsel for the petitioner submits that even assuming that the said land is a Government land, the respondents have to take action in

accordance with law under the provisions of the Andhra Pradesh Land Encroachment Act, 1905; but without following due process prescribed in law, the respondents cannot dispossess the petitioner from the land in question.

3. Having regard to the facts and circumstances of the case,

I am also of the opinion that without following due process of law even an encroacher cannot be dispossessed. Thus, the respondents are directed not to dispossess the petitioner from the land in question without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

September 17, 2007
Note: Furnish C.C. of the order by 18.09.2007
(**B/o**)
DSK